

REPORT

OF THE

SECRETARY OF THE TREASURY,

ON

*The Petition of Lefebvre Desnoettes, and Others,***FRENCH EMIGRANTS IN ALABAMA,**

ENGAGED IN

The Cultivation of the Vine and Olive,

PRAYING A MODIFICATION OF THE CONDITION OF THEIR GRANT.

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REPORT.

TREASURY DEPARTMENT,

18th March, 1822.

SIR: In obedience to a resolution of the Senate, of the 13th inst. referring to this department a petition of Lefebvre Desnoettes and other French emigrants in Alabama, I have the honor to report, that, in pursuance of the provisions of the act of the third of March, 1817, for encouraging the cultivation of the vine and olive, four townships were selected in the state of Alabama, near the junction of the Tombeckbe and Black Warrior rivers, under the directions of the President of the United States. That the lands contained within those townships, were, by contract, bearing date the 8th day of January, 1819, assigned to certain French emigrants, pursuant to the provisions of the said act, upon certain terms and conditions; the first of which requires, that, before the expiration of three years from the date of the contract, a settlement should be made upon each tract or lot of land within the said four townships.

By the report of the agent of the association, under date of the 12th of December last, it appears, that eighty one families have made actual settlements on the lands allotted to the petitioners; that they have under cultivation 2500 acres, and that they have already growing 10,000 vines. According to the report of the Agent, the right of a considerable number of the associates has been already forfeited, by the failure to make settlements by the 8th day of January, in compliance with the first condition of the contract. By the proviso of the third section of the act, it is declared "that no patent shall be granted for any of the lands aforesaid, nor shall any title be obtained therefor, either at law or in equity, until complete payment shall have been made for the whole four townships, *and until they comply with the conditions of the contract so to be made, as aforesaid*; nor shall a patent be granted for a greater quantity than six hundred and forty acres, to any one person." It is therefore apparent, that, by the default already committed by a part of the emigrants, those who have complied, not only with the condition of settlement, but of the condition of planting the vines, will, according to the provisions of the act just referred to, be unable to acquire any title to the lands which they shall improve, without the intervention of legislative aid.

The question is therefore, with great propriety, submitted at this time, to the consideration of the national legislature, whether the object contemplated by the act of the third of March, 1817, shall be

now abandoned, to the great injury, if not entire ruin, of that part of the French emigrants who have made great exertions, not only to avail themselves of the benevolent intentions of the government, but to make the only return for such an act of munificence, which could be received by the donors.

A copy of the report of the agent, and an extract shewing the conditions of the contract with the petitioners, are herewith transmitted.

I have the honor to be,

With great respect, Sir,

Your obedient servant,

WM. H. CRAWFORD.

The Honorable

THE PRESIDENT OF THE SENATE.

Report of the Agent, to the Secretary of the Treasury.

AIGLEVILLE, December 12, 1821.

SIR: I have the honor to transmit to your excellency a respectful petition to Congress, from the actual French planters in the state of Alabama, to obtain, by your kind intervention, the repeal of so much of the law passed in their favor the third of March, 1819, as belongs to the solidarity.

Though, under the American government, that clause may be considered as untenable either at law or equity, however, considering the period at which the consequences of such a proviso ought to take place, it is natural for us to wish for a more positive situation, as well to continue the cultivation of the conceded land, as to be certain not to leave to our children the sad prospect of being turned out on account of the neglect or bad will of some individuals.

In spite of our enemies, we have done more work than it could be reasonably expected, considering the many losses that we have sustained, to repair to the spot, and, after the beginning of our settlements, the want of communications in a rough and hardly explored country, the greatest part of which has been overflowed nine months of this year, and the sickness which has visited us, and deprives yet many families of their hands. Nevertheless, we may assure your excellency that between eighty-one actual planters, for themselves or their comettants (23 being dead) forming 327 persons, we may present to the government 1,100 acres in full cultivation, with their own hands, and 1,500 ditto of land cultivated by lease. By anticipation, we have 10,000 plants of vine in full growth, and that number had been treble had it not been for the loss of so much by accidents at sea, or out of season.

As every planter now present in this state has made all possible exertions to answer fully to the expectations of the government, it would be very easy for me to prove substantially to your excellency, that, from the time we left our home, till this day, we have, by an average, spent more than \$160,000; what better badge of our intention to fulfil the conditions of the contract, and what better pledge to the government that we have made the state of Alabama our last abode, inasmuch as many of us have no other way left to them to maintain themselves and their family than to stick with constancy to the hard work they have undertaken? But, sir, the mere idea of solidarity slackens our energy, and we dont presume to be blameable for respectfully begging to answer each of us for our own facts. Moreover, the repeal of that solidarity, in relieving our anxiety, would be a sufficient proof for the squatters, who are daily trespassing of our land,

that the government do not consider us as mere intruders, as they believe.

Two petitions have been presented to Congress for the same purpose. Your excellency will be pleased to remember my opinion on that subject. I thought then, as now, that such petition ought to be submitted to the wisdom and discretion of your excellency, if your excellency thinks proper not to oppose to our wishes. The honorable Messrs. Walker, and King, Senators of this state, have a copy, unsigned, of our petition, and the original is, and will remain, at the disposal of your excellency.

I have the honor to be, with great respect,

Your most obedient servant,

CH. VILLERS.

Agent of the Colony.

The Hon. WM. H. CRAWFORD,
Secretary of the Treasury.

Extract from the contract entered into with the French Emigrant Association, on the 8th day of January, 1819.

First. That, before the expiration of three years from the date of this contract, there shall be made upon each tract in the aforesaid four townships, allotted to the respective associates, a settlement by themselves individually, or by others on their account.

Second. That before the expiration of fourteen years from the date hereof, there shall be cleared and cultivated, within the said four townships, at least ten acres of land for each quarter section taken aggregately.

Third. That before the expiration of seven years from the date hereof, there shall be cultivated within the said four townships, at least one acre to each quarter section, taken aggregately, in vines.

Fourth. That before the expiration of seven years from the date hereof, there shall be planted within the said four townships, not less than five hundred olive trees, unless it shall be previously established, to the satisfaction of the President, that the olive cannot be successfully cultivated thereon.

Fifth. That a report shall be made, annually, to the Secretary of the Treasury, by the agent of the said association, or his successor, shewing the number of settlements made within the said four townships in each year; the progress made in cultivating the vine and olive, and the degree of success with which the same is attended; and describing the number and kinds of such plants as have been cultivated; and also, that the said agent, or his successor, shall, from time to time, furnish the Secretary of the Treasury such other information touching the condition and state of the association as he may require.

Sixth. That the list of the associates, deposited in the Treasury, as aforesaid, be recognized, and the persons thereon inscribed be

confirmed in the allotments of lands annexed to their names respectively, with the following, viz: Martin Piquet Joseph, Wells and Leclerc, V. M. Garesche, Jacques Brand and John Rester, Jean Thomas Carre, Laurent Fauris, Englebert, Samuel Jackson, Joseph Robard, Pierre Freres, Jean Baptiste Neel, William Tablee, Billington, George Gaines, S. Vorhees, Gillaume Montelius, Kembal, shall be erased therefrom, and Jacques Moucrarie, R. A. Terrier, Madame George Charles Brugiere, Joseph Ducommun, Peirre Garesche, J. Bonno, Peirre Drouet, Emely and Conde, be inserted thereon, and be entitled, in the order in which they stand herein, to the allotment of the persons thus erased; and the allotments thus annexed to the names of the others, of the persons thus erased, shall be assigned to other late emigrants, under such regulations as are hereinafter prescribed.

Seventh. That such emigrants as are inscribed on the said list, who had, previously to knowing of the allotments assigned to them, respectively settled and improved lands within the said four townships, either in those sections set apart for the small allotments or in others, and before the first day of August last past, shall be entitled to hold the same, to the extent, and in lieu of the quantity allotted to them, respectively, in the large or small allotments, as the case may be, unless the party to whom such land was actually allotted, shall, within six months from the date hereof, tender to such settler the value of the improvements which he may have made thereon, to be ascertained by two respectable persons under oath; and, on failure to make such tender, the party to whom such land was allotted shall be entitled to the land allotted to such emigrant as aforesaid, to the extent of the allotment so occupied and improved; or if the same be insufficient, he shall be further indemnified by the assignment of so much land as will make up the quantity out of any lands not otherwise appropriated.

Eighth. That the land exempted from appropriation by the foregoing provisions, may be appropriated to other emigrants from France, not already provided for, and whose names shall be presented to the Secretary of the Treasury for his approbation, by the agent of the association or his successor: but actual settlement shall, in all cases, be an indispensable condition.

DEMOPOLIS, 3d December, 1821.

The memorial of the undersigned respectfully sheweth:

That your memorialists are individually interested in the contract entered into by Charles Villers, agent of the French emigrants, with the Honorable William H. Crawford, Secretary of the Treasury, by virtue of the act of Congress, entitled "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the Vine," &c. passed on the 3d of March 1817. That they duly appreciate, and will ever hold in grateful remembrance, the

generosity of Congress, intended to be exerted in their behalf; but they respectfully beg leave to represent, that this generous design has been altogether defeated, not only by the disadvantageous situation in which they were at first placed, in being compelled to draw by lots their respective allotments, a great number of which proved to be, as may naturally be supposed, totally unfit for cultivation, and which, yet they were not at liberty to reject; and also, by the late great fall of land, and likewise by the subsequent laws reducing the minimum price at 125 cents, and granting liberal deductions to purchasers of all classes, from which benefit your memorialists have been especially excluded. Yet, they are desirous to persevere in their exertions, and to use all the means left in their power to promote the liberal views of Congress in the cultivation of the Vine, &c. and that, to attain this end, *eighty-one* heads of families, making a number of 327 persons, have already arrived and settled upon the land designated in said contract; and the actual cultivation of upwards of ten thousand plants of European vines, five years in anticipation of the time fixed for the same, fully justify the sincerity of their intentions.

That your memorialists, in consequence of their actual settlement, so remote from their point of departure, have already invested in this part of Alabama all their disposable property and used their best endeavors to fulfil such of the conditions of said contract that can morally and physically be performed; but many have hitherto been deterred from making settlements, chiefly by considerations which they conceive it to be their duty to submit to your honorable body.

By referring to the contract herewith exhibited, it will appear that a compliance with the prescribed conditions of cultivation and payment of the purchase money, is imposed jointly on the whole of the grantees, and not severally on each of them in proportion to their respective interest. As the list appended to the contract is composed of 347 persons, your memorialists cannot but entertain a natural apprehension, that some of the members may fail to comply with what is required of them, and thence a question may arise, after a continuance of hard labors and sacrifices of eleven years more, on a new settlement, whether those who have honestly and faithfully complied with the conditions of cultivation, and are ready to pay the purchase money in proportion to their interest, may not be precluded from obtaining their patent by the neglect of some, the poverty of others, and the ascertained death of 23 of their co-associates, who lost their lives in ascending an insalubrious river in summer time, or by an unavoidable exposure in a new country, and who may never be represented; circumstances over which your memorialists have no control. Yet, your memorialists are advised, that such might be the construction of the contract, under which they hold their precarious interest in the grant; and they beg leave to refer to the proviso contained in the third section of the said act, which directs "no patent shall issue until complete payment shall have been made for the whole four townships," as confirming such a construction.

Your memorialists need not enlarge upon the injurious consequences to the settlement which cruel incertitude on so important a point may create, involving at once their rights to the reward of their industry, and the future welfare of their children; and they have therefore approached your honorable body with the foregoing representations, under the hope and with the prayer that an act may be passed supplementary to the said act of March the 3d, 1817, providing that each grantee, on faithfully complying with the conditions of said contract, and paying the purchase money in proportion to his separate interest, may be entitled to receive a patent for such interest. And, as in duty bound, they will ever pray, &c. &c.

LEFEBVRE DESNOETTES, and Others.

